**CITY HALL COUNCIL CHAMBERS**
**SANTA MARIA, CALIFORNIA**
**REGULAR MEETING**

**APRIL 7, 2009**

**INVOCATION:**
Pastor Brian Parcel of First United Methodist Church gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Cordero led the Pledge of Allegiance.

**CALL TO ORDER:**
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

**ROLL CALL:**
**MEMBERS PRESENT**
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

**STAFF MEMBERS PRESENT**
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Acting Director of Community Development Woods, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Community Programs Manager Coelho-Hudson, City Librarian Buchanan, Grants Specialist Alarcon, and Chief Deputy City Clerk Perez.

**ANNOUNCEMENTS**
Mayor Lavagnino announced that the translator for the meeting was Elena Hernandez, Counselor at Righetti High School.

Mayor Lavagnino welcomed back Councilmember Orach who participated in the last meeting from home while recovering from surgery.

Mayor Lavagnino announced that the meeting would be adjourned in memory of Sammie Minami and Bill Stovall, two great citizens of Santa Maria who passed away since the last meeting.

He also announced that the Council would not be taking any action this evening on Item #4, the CDBG and HOME Investment Partnership program funding, as the City did not have the final figures from HUD on the amount of the City's allocation. The public hearing would be opened, public testimony taken, the public hearing closed, and the item would be continued to the meeting of May 5, 2009.

**PG&E CHECK PRESENTATION**
Patricia Wilmore, Local Area Manager of Governmental Relations for PG & E, presented the City with a check for $35,968 for energy efficiency measures at the new Santa Maria Public Library.

**PROCLAMATION – CHILD ABUSE PREVENTION MONTH**
Councilmember Patino read a proclamation declaring the month of April as Child Abuse Prevention Month in the City of Santa Maria and encouraging all residents to become aware of and support local child abuse prevention programs. The proclamation was accepted by Carla Canby of the North County Rape Crisis & Child Protection Center.

**RESOLUTION – SUPPORTING THE 2010 CENSUS**
Mayor Lavagnino read a resolution affirming City support of Census 2010 and encouraging community participation for a complete and accurate count.

Resolution No. 2009-44 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-44 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUPPORTING CENSUS 2010.

The resolution was accepted by Patricia Mondragon of the U.S. Census Bureau.

**PUBLIC COMMENT**
Joe Duran and Sheryl Woods, National Federation of Federal Employees, Local 2023, stated they would be losing their air tanker base on the Central Coast. They requested Council support in contacting Congressional leaders and County Supervisors to keep a reload base somewhere on the Central Coast. It has been along the Central Coast for 50 years.

Fire Chief Ortiz stated at the City Manager's request they would evaluate Mr. Duran's letter. Several years ago the Fire Chiefs got together and were able to keep the base on the Central Coast. The County Fire Chiefs were working on it.

Art Foster reported that the Santa Maria High School drag race team did very well in last month's race. They qualified and made it to the big race on Sunday. He said they would be losing half of the team this year with students graduating but would be following their progress at Allan Hancock College. Pioneer High School was now also trying to start a similar program.

Paula James reported on the February 19th Immigration Symposium which had over 200 guests. With the 2010 Census, they would be able to get a complete count of how many illegal aliens were living in the community and would be able to determine how much they were costing the community.

Gwen Wood thanked the Santa Maria Police Department for the bi-monthly sobriety check points and talked about the number of intoxicated and unlicensed drivers in Santa Maria.

George Alvarez said the reason the illegal aliens were here was to supply the agricultural community with workers. He said he had not heard anyone talk about making the agricultural community part of the solution.

**CONSENT CALENDAR**
Consent Calendar Items A through M were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

**A. ORDINANCES**
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

**B. MINUTES**
The Minutes of the Regular City Council Meeting of March 17, 2009, were approved as submitted.

**C. RELEASE OF A BOND**
Council accepted as complete public improvements associated with Country Club Professional Park, Tract 5647, and authorized the release of a Faithful Performance Bond in the amount of $57,690 for the construction and installation of on-site public

improvements to be released with the order that the Contractor, Labor and Material Bond be retained until October 2009 and the Guarantee and Defective Material Bond to be retained until April 2010.

**D. RECORDS RETENTION SCHEDULE**
Resolution No. 2009-45 was adopted approving revisions to the City-wide records retention schedule contained in the adopted Document Management Program.

Resolution No. 2009-45 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING REVISIONS TO THE CITY-WIDE RECORDS RETENTION SCHEDULE.

**E. PRODUCTION FEES**
Resolution No. 2009-46 was adopted approving production fees related to Santa Maria Community Television production activities serving local nonprofits.

Resolution No. 2009-46 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING SANTA MARIA COMMUNITY TELEVISION PRODUCTION FEES IN SUPPORT OF NONPROFIT ORGANIZATION MEMBERS.

**F. WARRANTS**
Warrant Nos. 149413 to 149908 totaling $2,940,050.90 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 143956, 147932, 148332, 148502, 148503, 148514, 149051, 149306, 149513, 149533, and 149538 were cancelled.

**G. PAYROLL**
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

**H. 2009 INVESTMENT POLICY**
Resolution No. 2009-47 was adopted approving the City's 2009 Investment Policy.

Resolution No. 2009-47 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE CITY'S 2009 INVESTMENT POLICY.

**I. ENTERTAINMENT LICENSE**
Resolution No. 2009-48 was adopted denying modifications to the existing Entertainment License to allow disc jockey music and dancing from 9:00 p.m. to 1:00 a.m. on Saturdays for Los Tres Amigos Herrera located at 1127 W. Main Street.

Resolution No. 2009-48 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING MODIFICATIONS TO THE EXISTING ENTERTAINMENT LICENSE FOR LOS TRES AMIGOS HERRERA.

**J. AWARD OF BID**
Resolution No. 2009-49 was adopted awarding the bid and approving a contract for South Blosser Road Waterline Construction, Bid No. 2009/09, to TLC Underground in the amount of $648,771.86.

Resolution No. 2009-49 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH TLC UNDERGROUND FOR SOUTH BLOSSER ROAD WATERLINE CONSTRUCTION, BID NO. 2009/09.

**K. AWARD OF BID**

Resolution No. 2009-50 was adopted awarding the bid and approving a contract for College Drive/Boone Street/Jones Street Intersection Improvements, Bid No. 2009/10, to California Coastal Development, Inc., in the amount of $293,238.88.

Resolution No. 2009-50 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH CALIFORNIA COASTAL DEVELOPMENT FOR THE COLLEGE DRIVE/BOONE STREET/JONES STREET INTERSECTION IMPROVEMENTS, BID NO. 2009/10.

**L. NOVATION AGREEMENT**

Resolution No. 2009-51 was adopted approving a Novation to substitute the name AECOM USA, Inc., for Boyle Engineering Corporation in the City's Agreement for Construction Management and Inspection Services for the Wastewater Treatment Plant Expansion Project.

Resolution No. 2009-51 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NOVATION AGREEMENT WITH AECOM USA, INC.

**M. PROPOSITION 84**

Resolution No. 2009-52 was adopted approving a Memorandum of Understanding (MOU) with the Santa Barbara County Water Agency and a group of local government agencies and special districts to participate in the Proposition 84 process and authorizing the Director of Utilities to sign and execute the MOU on behalf of the City.

Resolution No. 2009-52 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE SANTA BARBARA COUNTY WATER AGENCY AND A GROUP OF LOCAL GOVERNMENT AGENCIES AND SPECIAL DISTRICTS WITHIN SANTA BARBARA COUNTY TO PARTICIPATE IN THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION ACT, PROPOSITION 84, PROCESS.

**PUBLIC HEARING TO RECEIVE COMMENTS AND CONSIDER THE BLOCK GRANTS ADVISORY COMMITTEE'S RECOMMENDATIONS FOR ALLOCATION OF FISCAL YEAR 2009-10 FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS.**

Mayor Lavagnino thanked and commended the Block Grants Advisory Committee for their hard work and dedication.

Community Programs Manager Coelho-Hudson gave the staff report. The City Council is requested to conduct the public hearing to receive public comments and consider the Block Grants Advisory Committee's recommendation for the allocation of Fiscal Year 2009-10 CDBG and HOME Investment Partnerships Program estimated funds, close the public hearing, and continue approval of the allocations to the meeting of May 5, 2009. Enacted into law in 1974, the Federal Community Development Block Grant (CDBG) program is the primary Federal program that provides state and local governments with grant funds for local programs and projects to address a variety of complex physical, economic and social needs in the community. The main objective of the program is to develop viable urban communities by providing decent housing, a suitable living environment, and expanded economic opportunities. The funds may be used at the discretion of the City as long as the activities comply with Federal regulations and meet one of the three national objectives of primary benefit to low and moderate income persons. As an entitlement community, the City of Santa Maria receives a block of funding annually based on a HUD formula that includes such factors as population growth, level of poverty, age of housing, and extent of overcrowding. Although the President signed the Omnibus Appropriations Act of 2009 on March 11, 2009, HUD has not yet announced the final grant amounts for entitlement jurisdictions under both the CDBG and HOME programs. Staff estimates the City will receive approximately $1,256,488 in CDBG funding and $364,687 in HOME funding for 2009.

Of the CDBG entitlement amount, 20 percent or $251,297 will be available for General Administration; 15 percent or $188,549 will be available for Public Services; and $816,718 will be available for Capital Projects.

The Block Grants Advisory Committee conducted a community needs workshop on November 10, 2008. Applications for the funding were due on January 5, 2009. Staff received 24 applications for Public Services totaling $409,660; 3 applications for Capital Projects totaling $462,376; and 5 applications for HOME projects totaling $1,040,000. The Committee divided into teams and conducted site visits and in-depth reviews of all the proposals. The Committee held special meetings on March 9, 2009, to receive team reports, and on March 23, 2009, to formulate its recommendations to the City Council based on estimated funding. Only those projects and programs that qualified under the #1 priority and ranked as "high" in need were recommended for funding. Additionally, there is a balance of $354,342 remaining in CDBG capital funding that is recommended to be used for a City capital project.

Since HUD has not yet issued the final grant amounts for CDBG and HOME programs, staff recommends the City Council open the public hearing, take public testimony, close the public hearing, and continue approval of the allocations to the regular meeting of May 5, 2009. This will give the Committee the opportunity to reconsider their recommendations based on the final grant amounts once they are issued by HUD.

Councilmember Zacarías asked for clarification between the capital project applicants and the HOME Investment Partnership applicants and why housing was not considered a capital project.

Community Programs Manager Coelho-Hudson explained that there were some housing project activities that could be funded under CDBG. However, an activity such as actual housing construction could not be funded under CDBG but may be funded under HOME. As an example, if an applicant had applied for acquisition of property, it could be funded under either CDBG or HOME. Each project had to be evaluated to determine what category of funding it would fall under.

Councilmember Zacarías stated she was thrilled about the recommendation to fund Good Samaritan, but she was disappointed that the Centennial Square Apartments and People's Self Help Housing Sweat Equity Ownership projects were not recommended for funding. She asked if any part of those projects could be funded through CDBG capital development funding.

Community Programs Manager Coelho-Hudson explained that the Committee was very supportive of both of those projects. The Committee felt that it was important to provide the last piece of funding necessary to get the Good Samaritan Casa de Familia project off the ground. They were farther ahead in their process and have already pulled their building permits. Centennial Square just started their process, didn't have any other funding in place, and were not far enough along in the planning stages. People's Self Help Housing did not have a site yet for their project.

Councilmember Zacarías stated she supported the recommendation; however, there was $350,000 left that was proposed for a City capital project which was hard for her when there were good applicants that could use the money. She wanted to make sure every avenue to support those projects had been considered.

Chief Deputy City Clerk Perez read three letters that had been received from Joan Leon commending the Block Grants Advisory Committee for their recommendations; from Senior Assistant City Attorney/Utilities Counsel Wendy Stockton regarding support for capital funding of accessibility improvements; and from Barry Stotts, Citizen Volunteer of the Community Access Network regarding support for capital funding of accessibility improvements.

Mayor Lavagnino opened the public hearing.

Barry Stotts stated it has been an honor to be part of the committee looking at access of City facilities with Wendy Stockton and Tony Ferrari. To upgrade some of the older facilities such as the Mussell Senior Center was very important, especially the restrooms.

Roy Reed, Alliance for Pharmaceutical Access, stated they established in Santa Maria about 5 years ago. There were a great many people in the community with chronic diseases who could not afford their prescriptions. Most of the people were hard working people who didn't have prescription drug coverage and could not afford their prescriptions. The need was accelerating, and they survived only through charitable funding and grants.

Roy Allen, Alzheimer's Association, thanked the City Council and the Block Grants Advisory Committee for their past support. Alzheimer's disease was a world-wide disease that was in a crisis mode.

Rhonda Spiegel, Executive Director of Alzheimer's Association, talked about how significant the disease was. In Santa Barbara County alone the number of people with Alzheimer's had increased 62 percent. Alzheimer's disease was now the fifth leading cause of death and had increased 47 percent. It took three around-the-clock care givers for each person with Alzheimer's disease. One of every two people over 85 years of age would be diagnosed with the disease.

Mike Rylant, Good Samaritan Shelter, thanked the Council and Committee for all their support over the years. He said they started the Morrison site project about five years ago, and the last piece of the project was the permanent housing project.

Carla Canby, North County Rape Crisis and Child Protection Services, thanked the Council for considering their application. She talked about the services they offered. She invited everyone to attend a vigil on April 28th at the City Hall Courtyard at 7:00 p.m.

Jim Bray, Vocational Training Center (VTC), thanked the staff and Block Grants Advisory Committee for their hard work. The City needed to extend McCoy Lane through VTC's site which was a blessing in disguise. The road would take out several World War II barracks-type buildings that were currently used for classrooms. They saw it as an opportunity to build a state-of-the-art classroom and restroom facility. The funding from the City would be a huge help.

Mary Jacka recommended the Council support agencies that provide food, shelter and domestic violence prevention programs such as Catholic Charities and Good Samaritan Shelter. She said CDBG funds were received based on population and poverty levels as a result of the Census. As long as there was an organization in Santa Maria like the Minutemen, there would not be an accurate count.

Pedro Paez Navarro spoke about funding for low-income housing. He said he had been coming to the Council asking for money for low-income housing for many years. The extra money that the City had should be given for a housing project like People's Self Help Housing who builds homes for low-income families. He talked about the United States always being a Country of immigrants, and the community received assistance from the immigrants working in the community.

George Alvarez stated he supported VTC and Good Samaritan Shelter. He thanked Mike Rylant for the good work Good Samaritan does in the community. He said there were a lot of special needs people who lacked housing for themselves, and those people needed consideration. He also said the community had to address the gang problem in Santa Maria.

Gabriela Castellanos, Cabrillo Economic Development Corporation, talked about the overwhelming foreclosure situation in the Santa Maria Valley. While they were not being recommended for funding this year, they hoped other organizations could partner with them to address the great need.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

On motion by Councilmember Orach, seconded by Councilmember Patino, and carried unanimously, the final allocations for CDBG and HOME Investment Partnership Program funding were continued to the regular City Council meeting of May 5, 2009.

**CITY MANAGER'S REPORT**
City Manager Ness reported on items anticipated for the April 21, 2009, City Council meeting including public hearings for the annual water and sewer rate increases, weed abatement, and tobacco use in City parks, also scheduled as a regular business item was a recommendation for deferral of solid waste rates.

**ORAL REPORTS BY COUNCILMEMBERS**
Councilmember Orach reported on his attendance at the LAFCO meeting on April 2nd. On Saturday, April 4th, he presented the proclamation for the Centennial Celebration of the NAACP.

Councilmember Zacarias reported that she participated in the quality child care tour facilities sponsored by the Child Care Planning Council; on April 3rd, she attended the Santa Maria Police Officers Association Community Dinner, the youth art show at the Mall, and a big show put on by Righetti High School; on April 4th, she attended Mike Cordero's Retirement Dinner, was a member of a panel at Santa Ynez High School discussing the values of serving a public life, and ended the low-income tax preparation season after helping over 700 families. She attended the Grand Opening of a new community center for the Oaxacan community. She invited everyone to attend a Cesar Chavez remembrance celebration to be held on Wednesday, April 8th from 6:00 p.m. to 8:00 p.m. at Shephard Hall. She acknowledged a wonderful community member Eddie Marruffo who passed away last Friday.

Councilmember Patino reported that on Friday, March 20th, she attended a ribbon cutting for the new 4th District Supervisor office in Lompoc; on March 26th, she attended a badge pinning ceremony at Fire Station No. 1; on March 27th, she participated on the radio show with Mayor Lavagnino and Supervisor Joni Gray, attended a gang task force meeting with Fighting Back Santa Maria Valley, a People for Non-Violence Committee meeting, and the Etta Waterfield "Women of the Year" celebration; on March 28th, she attended the opening of the Orcutt Community Park; on March 29th, she attended the menudo contest; on April 3rd, the POA Community Dinner, the Santa Maria Arts Council youth art display; on April 4th, she attended Mike Cordero's Retirement Party; and on April 8th, she would be attending the Strawberry Dinner.

Councilmember Patino also referenced a newspaper article entitled "Commission on Cancer Presents Top Award to Marian Cancer Center with Commendations" and said it was well deserved.

Councilmember Cordero reported that on March 19th, he attended the SBCAG meeting with Mayor Lavagnino and a United Way luncheon at the Elks Lodge; on March 26th, he attended the Tip-A-Cop Dinner at Pepper Garcia's, and the People for Non-Violence Committee meeting; on March 27th he attended the ribbon cutting ceremony at Orcutt Community Park and a fundraiser for the local Boys Club; on March 29th, he attended the menudo contest; on March 30th, he participated in the Santa Maria School District Battle of the Books contest; on April 3rd, he attended the POA Community Dinner and the student art show at the Mall; and on April 7th, he attended a badge pinning ceremony at Allan Hancock College.

Mayor Lavagnino reported he attended the SBCAG meeting on March 19th; on March 20th he was on KSMA radio with Ed Torres and Joni Gray; on March 23rd he met with Japanese Exchange students in the Council Chambers; on March 26th, he attended the Central Coast Water Agency meeting; on March 27th, he was on KSMA radio and attended the Women of the Year dinner for Etta Waterfield; on March 30th, he participated in the Battle of the Books contest; on March 31st he attended the Sammie

Minami funeral; on April 3rd, he was on KSMA radio and attended the SMPOA Community Dinner at the Vet's Hall; on April 4th, he attended the Autism Awareness event at Pioneer Park and Mike Cordero's Retirement Dinner; and on April 7th, he was on KUHL radio again.

**CLOSED SESSION:**
Council recessed to a Closed Session at 8:10 p.m. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organization: Santa Maria Police Officers Association (SMPOA).

After the Closed Session, the following report was given:

Conference with Labor Negotiators – SMPOA: Direction to staff was given.

**ADJOURNMENT**
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:19 p.m. in honor of Mr. Sammie Minami, Mr. Bill Stovall and Mr. Eddie Marruffo.

APPROVED

April 21, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria